THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

W.P. No.2415 of 2006

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Date: 14-02-2006

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Between:

Smt. Tenka Padmavathi W/o.Late Bheema Rao,

Aged 45 years., Occ: Household,

R/o.Gokarnapuram Village, Jalantrakota Post, Kancili Mandal, Srikakulam District.

… Petitioner

And

The Commissioner, Social Welfare Department,
Social Welfare Bhavan, Masab Tank,
Hyderabad-500 028 and others.

…Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

In this writ petition, the petitioner is seeking direction by way of *Writ of Mandamus* to direct the respondents to pay an amount of Rs.76,618/- on account of bill due relating to the contract work executed by the late husband of the petitioner.

The petitioner's husband Late Sri Bheema Rao had entered into an agreement No.53/1999-2000 dated
20-07-1999 with the 3rd respondent Society for a contract work of special repairs of S.C. Boys Hostel Building, situated at Basi Ramachandrapuram of Sompeta Mandal, Srikakulam District.

It is the case of the petitioner that though her husband had completed the works entrusted to him, he was not paid the bill amount during his lifetime. Thereafter, the petitioner, who is wife of Late Sri Bheema Rao, also made several requests to the respondents, in spite of the same, said bill amount is not paid, hence, the present writ petition has been filed.

When the matter has come up on 13-02-2006, learned Government Pleader was asked to get instructions.
On instructions, he submits that there is no dispute with regard to the payment

of bills, but however it is stated that the concerned Executive Engineer wrote a letter to the Deputy Director, Social Welfare, Srikakulam District to arrange funds for payment of bill amount due on the contract. Pursuant to the said letter, the Deputy Director further addressed a letter to the Commissioner, Social Welfare and the matter is pending before the Commissioner, for sanction of funds.

In the matter relating to contract, normally this Court is slow in issuing directions in exercise of powers under Article 226 of the Constitution of India. However, on instructions, learned Government Pleader submits that there is no dispute with regard to the completion of work and for payment of bills due to the husband of the petitioner. Though the works entrusted to the petitioner were completed and check measurements were taken, there is no valid reason for withholding the bill amount, due to the husband of the petitioner, for such undue longtime.

In that view of the matter, the writ petition is disposed of directing the respondents to pay the bill amount due on account of completion of work, relating to “Special Repairs to S.C. Boys Hostel Building” situated at Basi Ramachandra- puram of Sompeta Mandal, Srikakulam District covered by agreement dated 20-07-1999, within two months from today. However, it is made clear that the amount due to the petitioner shall be verified by the concerned officers, having regard to the check measurements, which are stated to have been recorded.

Office is directed to communicate this order to the Commissioner, Social Welfare, to take further steps in the matter.

Subject to above direction the Writ Petition is disposed of. No order as to costs.

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R. SUBHASH REDDY, J

Date: 14-02-2006

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LSK